

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 85-0489-RGS

UNITED STATES OF AMERICA

v.

METROPOLITAN DISTRICT COMMISSION, et al.

CIVIL ACTION NO. 83-1614-RGS

CONSERVATION LAW FOUNDATION  
OF NEW ENGLAND, INC.

v.

METROPOLITAN DISTRICT COMMISSION

SCHEDULE SEVEN COMPLIANCE  
ORDER NUMBER 240

December 22, 2016

STEARNS, D.J.

On December 15, 2016, the Massachusetts Water Resources Authority (MWRA) filed its (now) Biannual Compliance and Progress Report (the 240<sup>th</sup> such report in the history of this litigation). The United States and the Conservation Law Foundation have since indicated that they will not file responses.

### Schedule Seven

There were no scheduled activities for the past sixth months on Schedule Seven.

### Combined Sewer Overflow (CSO) Program

#### a. CSO Post-Construction Monitoring

The MWRA has begun preliminary work to implement the court-ordered CSO post-construction monitoring program and performance assessment intended to confirm compliance with the long-term CSO control plan. The assessment will begin in January of 2018 and be completed in December of 2020 in compliance with Schedule Seven (if all transpires as anticipated).

#### b. CSO Water Quality Standards Variances

The MWRA reports that the Massachusetts Department of Environmental Protection (DEP) has issued final determinations extending to August 31, 2019, the CSO variances to the Massachusetts Surface Water Quality Standards for the Lower Charles River and Basin and the Alewife Brook and Mystic River. These determinations build on previous determinations and approvals that have been in place since 2006. In planning for post-consent decree determinations, on November 10, 2016, the MWRA submitted for the DEP's review a completed scope of work for a

modified water quality monitoring program. The revised monitoring program will allow the measurement of CSO impacts over a range of storm events in a format consistent with the database the MWRA has maintained since it began sampling water quality in the affected water bodies in 1989.

c. Deer Island Cross Harbor Cable

The MWRA is coordinating power usage at Deer Island with the exploratory work of Eversource contractors looking to reposition the existing cross-harbor cable to accommodate the Army Corps of Engineers' planned channel-deepening project. As this is the subject of separate ongoing litigation before the court, I will reserve any comment.

ORDER

Consistent with the court's revised Scheduling Order, the MWRA will submit Compliance Report No. 241 on or before June 15, 2017.

SO ORDERED.

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE